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CITY COUNCIL MEETING

MAY 22, 2012

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**SUMMARY MINUTES**  
**REGULAR COUNCIL MEETING**

**May 22, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, May 22, 2012, beginning at 7:05 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: [www.northmiamifl.gov](http://www.northmiamifl.gov)

Flag salute led by Sergeant Angel Rivera, Officer of the Month

Inspirational Message

♦ Pastor Fanfan

**ROLL CALL**

|                      |      |
|----------------------|------|
| Councilwoman Steril  | Here |
| Councilman Galvin    | Here |
| Mayor Pierre         | Here |
| Vice Mayor Marcellus | Here |
| Councilman Blynn     | Here |

**Additions, Deletions or Withdrawals**

Tab L, added

**SPECIAL PRESENTATION(s)**

♦ Proclamation in honor of *National Bike Month*

Mayor Pierre recognized Jeff Geimer, Parks and Recreation Director, presenting a Proclamation, in honor of *National Bike Month*; Whereas Mayor Pierre proclaimed May, 2012, to be *National Bike Month*, in the City of North Miami.

◆ Recognition in honor of *ASPIRA R.A.M. Chess Team*

Mayor Pierre recognized Ileana Pena, Principal of Aspira, along with Francilla Nune and Jorge Trujillo in recognition of the *ASPIRA R.A.M. Chess Team*, presenting certificates to the team.

**CITY EVENTS – ANNOUNCEMENT**

Miguel Seco, Governmental Affairs Manager, on behalf of Pam Solomon, Public Information Officer, announced upcoming events for the City of North Miami.

**CONSENT AGENDA**

**TAB A - APPROVAL OF MINUTES**

– Regular Council Meeting – May 8, 2012

**TAB B – PROPOSED RESOLUTION APPROVING THE EXECUTION OF A COMBINED VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE CITY OF MIAMI TO PROVIDE ADEQUATE LEVELS OF POLICE SERVICES**

**TAB C – PROPOSED RESOLUTION ADOPTING A REVISED CLASSIFICATION AND PAY PLAN FOR UNCLASSIFIED EMPLOYEES OF THE CITY, FOR THE 2011-2012 FISCAL YEAR BUDGET**

Councilman Blynn moved to approve the Consent Agenda, Tabs A through C, seconded by Councilman Galvin; passed unanimously.

**PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.**

**LEGISLATIVE MATTERS**

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

**TAB D – PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS”, BY AMENDING ARTICLE 4,**

**DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS", SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH SELF STORAGE AS A PERMITTED USE ALONG NON-MAJOR CORRIDORS IN THE C-1 ZONING DISTRICT, TO ENCOURAGE ECONOMIC GROWTH CONSISTENT WITH THE INTENT OF THE COMPREHENSIVE PLAN**

Michael Etienne, Esquire, City Clerk, read the Ordinance title for the record. No public discussion. Councilman Blynn moved to approve the Ordinance, seconded by Councilman Galvin; passed unanimously, by roll call vote.

**TAB E - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED, "ALCOHOLIC BEVERAGES" SPECIFICALLY AT SECTION 3-2 ENTITLED, "DEFINITIONS" TO INCLUDE A DEFINITION FOR ADULT ENTERTAINMENT BUSINESS, AT SECTION 3-3 ENTITLED, "ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES PROHIBITED" TO REMOVE THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES, AND AT SECTION 3-11 ENTITLED, "DISTANCE REQUIREMENTS" TO ESTABLISH A DISTANCE SEPARATION REQUIREMENT FOR ADULT ENTERTAINMENT BUSINESSES, IN ACCORDANCE WITH STATE LAW**

Mr. Etienne read the Ordinance title for the record. Public discussion. Maxine Calloway, Community Planning and Development Director gave a brief report to Council. Council discussion. Councilman Blynn moved to defer the item along with Tab F for 30 days, seconded by Mayor Pierre; for discussion. Public discussion. Jeff Cazeau, representing the applicant, present, along with the applicants; gave a brief report to Council. Council voted; passed 4-1. Councilman Galvin denied.

**TAB F - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED, "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 3 ENTITLED, "ADULT ENTERTAINMENT USES", SPECIFICALLY AT SECTION 5-303 ENTITLED, "NO ADDITIONAL ZONING CONDITIONS, RESTRICTIONS, SAFEGUARD OR CONDITIONS", IN ORDER TO REMOVE THE PROHIBITION ON THE CONSUMPTION, POSSESSION, AND SALE OF ALCOHOLIC BEVERAGES**

Deferred, see Tab G.

**TAB G - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 5, ARTICLE VII, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED "ABANDONED REAL PROPERTY REGISTRATION", SPECIFICALLY AT SECTIONS 5-66, 5-68, 5-70, AND 5-71, TO REQUIRE MORTGAGEES TO PAY AN ANNUAL REGISTRATION FEE, TO POST ABANDONED PROPERTIES WITH CONTACT INFORMATION, TO REPORT ANY CHANGE IN THE STATUS OF THE PROPERTY, AND TO PROVIDE FOR PENALTIES FOR NON COMPLIANCE; AND FURTHER REQUIRING ABANDONED PROPERTIES TO BE IN COMPLIANCE WITH ALL CITY CODES**

Mr. Etienne read the Ordinance title for the record. No public discussion. Councilman Blynn moved to approve the Ordinance, seconded by Vice Mayor Marcellus; passed unanimously, by roll call vote.

**TAB H – PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 2, ARTICLE III, DIVISION 5 OF THE CODE OF ORDINANCES, ENTITLED "CODE ENFORCEMENT BOARD," SPECIFICALLY FROM SECTION 2-96 THROUGH 2-104, TO ELIMINATE "CODE ENFORCEMENT BOARD" AND REPLACING IT WITH "SPECIAL MAGISTRATE", DEFINING THE QUALIFICATIONS, POWERS AND COMPENSATION OF THE SPECIAL MAGISTRATE; AND FURTHER REPEALING ARTICLE III, DIVISION 5.2, ENTITLED "SUPPLEMENTAL CODE ENFORCEMENT MECHANISM; SPECIAL MAGISTRATES", SECTION 2-108 ENTITLED "SPECIAL MAGISTRATES"**

Mr. Etienne read the Ordinance title for the record. No public discussion. Council discussion. Mayor Pierre moved to approve the Ordinance, seconded by Councilwoman Steril; for discussion. Council discussion. Regine Monestime, City Attorney, gave a brief report to Council. Public discussion. Council discussion. Council voted; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

**RESOLUTIONS**

**TAB I – PROPOSED RESOLUTION CALLING AND PROVIDING FOR A REFERENDUM ELECTION ON TUESDAY, AUGUST 14, 2012, IN THE CITY OF NORTH MIAMI TO DETERMINE WHETHER THE**

**CITY SHALL BE AUTHORIZED BY THE VOTERS TO ISSUE  
GENERAL OBLIGATION BONDS OF THE CITY OF NORTH MIAMI  
IN AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS  
(\$15,000,000.00) TO FINANCE THE RENOVATION AND EXPANSION  
OF THE CITY OF NORTH MIAMI MUSEUM OF CONTEMPORARY  
ART (MOCA)**

Mr. Etienne read the Resolution title for the record. Councilman Blynn moved to approve the Resolution, seconded by Councilman Galvin; for discussion. Public discussion. Bonnie Clearwater, MOCA Director and Chief Curator, gave a brief report to Council. Council discussion. Councilman Blynn moved to approve and to add an additional \$30,000 for an educational campaign. Councilman Blynn withdrew the amended motion to add an additional \$30,000 for an educational campaign. Council voted; passed unanimously.

**REQUESTS – PETITIONS – COMMUNICATIONS**

**TAB J – UPDATE REGARDING WASTE PRO REFUNDS TO NORTH  
MIAMI CUSTOMERS**

Mr. Etienne read the title for the record. Stephen Johnson, City Manager; and Aleem Ghany, Public Works Director; gave brief reports to Council. Council discussion. Russell Mackie, Waste Pro of Florida, gave a brief report to Council. Council discussion. Councilman Galvin requested additional information and asked that this item be added on the next Council Agenda. Ms. Monestime advised confidential information would be redacted on Waste Pro documents.

**TAB K – REVIEW AND DISCUSSION OF POLICIES AND  
PROCEDURES FOR USE OF CITY FACILITIES, CITY FUNDS, FEE  
WAIVERS, ETC., UNDER RESOLUTION 2010-33**

Mr. Etienne read the title for the record. Council discussion. Mayor Pierre requested staff develop a policy for use of city facilities along with a Resolution. Council discussion.

Council discussion regarding a disaster preparedness workshop she is hosting in sister city, Delmas, Haiti. Councilwoman Steril moved to move forward with the disaster preparedness workshop in Delmas, Haiti, on June 4<sup>th</sup>, seconded by Mayor Pierre; passed 3-2. Councilman Blynn and Councilman Galvin denied.



**TAB L – DISCUSSION REGARDING SPONSORSHIP OF \$5,000 FOR  
SANT LA 2012 ANNUAL FUNDRAISING EVENT**

Mr. Etienne read the title for the record. Mayor Pierre moved to approve the request, seconded by Councilman Galvin; for discussion. Council discussion. Council voted; passed 4-1. Councilman Blynn denied.

**CITIZENS' FORUM**

(NONE)

**COUNCIL REPORTS**

Vice Mayor Marcellus moved to request sponsorship in the amount of \$3,000 for a magazine promoting Haitian Constitution, seconded by Mayor Pierre; failed 2-2. Councilman Blynn and Councilman Galvin denied; Councilwoman Steril away from the dais.

Various items of interest presented by Council.

Mayor Pierre noted the city has been designated as a "Playful City" and thanked Jeff Geimer, Parks and Recreation Director.

**CITY CLERK'S REPORT**

Mr. Etienne commended the City Manager, Public Works Director and IT Director for a phenomenal job in moving projects and city clerk's office renovations.

**CITY MANAGER'S REPORT**

(NONE)

**CITY ATTORNEY'S REPORT**

(NONE)

**ADJOURNMENT**

Meeting adjourned at 9:57 p.m.

**SUMMARY MINUTES**

**SPECIAL COUNCIL MEETING**

**MAY 23, 2012**

## SUMMARY MINUTES

### SPECIAL COUNCIL MEETING

May 23, 2012

A special meeting of the North Miami City Council was held in the Council Chambers of City Hall on Wednesday, May 23, 2012, beginning at 6:00 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: [www.northmiamifl.gov](http://www.northmiamifl.gov)

Flag salute

Inspirational Message

- Stephen E. Johnson, City Manager

### ROLL CALL

|                      |                 |
|----------------------|-----------------|
| Councilwoman Steril  | Here            |
| Councilman Galvin    | Arrived at 6:03 |
| Mayor Pierre         | Here            |
| Vice Mayor Marcellus | Here            |
| Councilman Blynn     | Here            |

### RESOLUTIONS

**TAB A – PROPOSED RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI, AS LANDLORD AND OLETA PARTNERS, LLC, AS TENANT, FOR THE PREMISES KNOWN AS “BISCAYNE LANDING”; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE LEASE AGREEMENT, IN ACCORDANCE WITH THE DIRECTION PROVIDED TO CITY ADMINISTRATION, WITHOUT THE NECESSITY OF FURTHER ACTION BY THE MAYOR AND CITY COUNCIL**

Michael Etienne, Esquire, City Clerk, read the Resolution title for the record. Regine Monestime, City Attorney, gave a brief report to Council.

Council discussion regarding a ribbon cutting scheduled at the North Miami Library at 6:30 pm.

Mr. Johnson gave a brief presentation of the history of the Biscayne Landing site up to the present.

Mayor Pierre adjourned the meeting at 6:25 pm. Ms. Monestime reviewed Roberts Rules of Order regarding obtaining a second to adjourn the meeting and advised when there is a disagreement the remaining majority shall take a vote. Councilman Galvin moved to deny the adjournment, seconded by Councilman Blynn; passed unanimously.

Councilman Galvin moved to deny the lease agreement of Mr. Swerdlow, seconded by Vice Mayor Marcellus; failed 2-2. Councilman Blynn and Mayor Pierre denied.

Councilman Galvin moved to deny the lease agreement of Mr. Swerdlow, seconded by Vice Mayor Marcellus; passed 2-1. Councilman Blynn denied.

Councilman Galvin moved to adjourn the meeting, seconded by Vice Mayor Marcellus; passed 2-1. Councilman Blynn denied.

Mayor Pierre returned and re-adjourned the meeting stating Councilwoman Steril seconded; passed 3-0. Vice Mayor Marcellus and Councilman Galvin away.

Vice Mayor Marcellus and Councilman Galvin returned to the meeting. Council discussion.

Mr. Swerdlow along with Jed Resnick, Senior Vice President of the LeFrak organization, Bret Dill, Partner, Herb Tillman, Project Manager, John Turubio, Partner Group presented development plans along with a timeline of the development.

Aleem Ghany, Public Works Director, reviewed environmental issues, specifically, groundwater remediation and closure.

Public discussion. Council discussion. Vice Mayor Marcellus requested separating the corner lot from the development. Councilman Galvin requested the education be for high school students only. Mr. Dill advised if large scale gaming is approved at a later date, he would be willing to come back to Council and negotiate. Mr. Johnson recommended striking slot machines from the lease agreement.

Councilwoman Steril moved to reduce the corner lot to \$12 million with anything received over that to be split 50/50 with the Swerdlow Group, seconded by Mayor Pierre; passed unanimously.

Councilman Blynn moved to approve the lease agreement as amended with approved changes, seconded by Mayor Pierre; passed 3-2. Vice Mayor Marcellus and Councilman Galvin denied.

Mr. Swerdlow advised \$1.5 million would be wired into the city's account by close of business on Friday. Mr. Swerdlow further advised closing would take place 10 days after 1 month or 10 days after the city makes deliverables to the Swerdlow Group. Outside counsel advised to work in accordance with the lease with stated negotiated terms. Ms. Monestime requested and received authority to fix necessary language revisions which does not change negotiated terms. Outside counsel advised in accordance with the lease monies would be received 2 business days after signing of the lease takes place.

## **ADJOURNMENT**

Meeting adjourned at 10:26 p.m.